

# HOUSE BILL 460

N1

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By: **Delegates McConkey, Beidle, Holmes, Niemann, Norman, and Weir**  
Introduced and read first time: January 29, 2010  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Condominium Bylaws – Surcharge on Assessments**

3 FOR the purpose of authorizing condominium bylaws to include a provision  
4 establishing a certain surcharge on the assessments for common expenses for a  
5 certain unit under certain conditions; providing for the applicability of the  
6 surcharge; and generally relating to authorizing a surcharge on the assessments  
7 for common expenses on a condominium unit.

8 BY repealing and reenacting, without amendments,  
9 Article – Real Property  
10 Section 11–104(a) and (b)  
11 Annotated Code of Maryland  
12 (2003 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Real Property  
15 Section 11–104(c)  
16 Annotated Code of Maryland  
17 (2003 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Real Property**

21 11–104.

22 (a) The administration of every condominium shall be governed by bylaws  
23 which shall be recorded with the declaration. If the council of unit owners is  
24 incorporated, these bylaws shall be the bylaws of that corporation.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The bylaws shall express at least the following particulars:

2 (1) The form of administration, indicating whether the council of unit  
3 owners shall be incorporated or unincorporated, and whether, and to what extent, the  
4 duties of the council of unit owners may be delegated to a board of directors, manager,  
5 or otherwise, and specifying the powers, manner of selection, and removal of them;

6 (2) The mailing address of the council of unit owners;

7 (3) The method of calling the unit owners to assemble; the attendance  
8 necessary to constitute a quorum at any meeting of the council of unit owners; the  
9 manner of notifying the unit owners of any proposed meeting; who presides at the  
10 meetings of the council of unit owners, who keeps the minute book for recording the  
11 resolutions of the council of unit owners, and who counts votes at meetings of the  
12 council of unit owners; and

13 (4) The manner of assessing against and collecting from unit owners  
14 their respective shares of the common expenses.

15 (c) (1) The bylaws [also] may contain any other provision regarding the  
16 management and operation of the condominium including any restriction on or  
17 requirement respecting the use and maintenance of the units and the common  
18 elements.

19 (2) (I) 1. THIS PARAGRAPH APPLIES TO A CONDOMINIUM  
20 BUILDING WITH MULTIPLE UNITS.

21 2. THIS PARAGRAPH DOES NOT APPLY TO A  
22 CONDOMINIUM IN WHICH THE INDIVIDUAL DWELLING UNITS ARE TOWNHOUSES.

23 (II) THE BYLAWS MAY CONTAIN A PROVISION ESTABLISHING  
24 AN ADDITIONAL 10% SURCHARGE ON EACH ASSESSMENT FOR COMMON  
25 EXPENSES PAYABLE BY AN OWNER OF A UNIT THAT IS:

26 1. NOT OWNER-OCCUPIED; OR

27 2. VACANT, UNLESS THE UNIT IS BEING PREPARED  
28 OR OFFERED FOR SALE.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2010.